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8-17-15
UNSEALED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

Clerk, U.S. District Court
Southern District of Texas
FILED

AUG 12 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

JIMMY GARZA, JR.
RAMIRO SERRATA, JR.

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CRIMINAL NUMBER

C - 15 - 691

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

On or about March 8, 2012, in the Corpus Christi Division of the Southern District of Texas, and within the jurisdiction of the Court, the defendants,

JIMMY GARZA, JR.
and RAMIRO SERRATA, JR.,

knowingly and willfully combined, conspired, and agreed with one another, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States of America, to wit, hate crimes in violation of 18 U.S.C. Sections 249(a)(1) and 249(a)(2).

OBJECT OF THE CONSPIRACY

1. It was the plan and purpose of this conspiracy to cause bodily injury to K.G., a gay, black man, because of his race, color, and sexual orientation.

OVERT ACTS

2. In furtherance of the conspiracy, and to accomplish the objects thereof, the conspirators committed and caused to be committed the following overt acts, among others, within the Southern District of Texas:

- a. At least one of the conspirators invited K.G. into an apartment located at 1339 10th Street, Apartment C, in Corpus Christi, Texas.
- b. Defendant Garza punched K.G. and said something to the effect of “we don’t like niggers around here, and we especially don’t like faggot niggers.”
- c. Over the course of approximately three hours, at least one of the conspirators assaulted K.G. with dangerous weapons, including, among other things, a frying pan, a coffee mug, a spatula, a belt, and a chair. At least one of the conspirators also assaulted K.G. with his hands and feet. These actions caused bodily injury to K.G.
- d. During the assault, at least one of the conspirators poured a household cleaning agent or chemical solution onto K.G.’s face and eyes.
- e. During the assault, at least one of the conspirators pistol whipped K.G. with a handgun.
- f. When K.G. began bleeding, at least one of the conspirators forced K.G. to remove all of his clothing and clean the bloody apartment.
- g. After K.G. was completely naked, at least one of the conspirators sodomized K.G. using a broom or mop, and an unknown object.
- h. At least one of the conspirators forced K.G. to suck on the end of the broom or mop that had been used to sodomize him.

- i. At least one of the conspirators whipped K.G. on the back with a belt.
- j. At least one of the conspirators forced K.G. to drink urine.
- k. Throughout the assault, at least one of the conspirators prevented K.G. from leaving the apartment by physical force and threats of force. K.G. eventually escaped the apartment by jumping out of a window.
- l. At least one of the conspirators caused serious bodily injury to K.G. as a result of the assault.
- m. Throughout the assault, at least one of the conspirators repeatedly called K.G. anti-black and anti-gay slurs, such as, but not limited to, “faggot” and “nigger”, and made other anti-black and anti-gay statements.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about March 8, 2012, in the Corpus Christi Division of the Southern District of Texas, and within the jurisdiction of the Court, the defendants,

JIMMY GARZA, JR.
and RAMIRO SERRATA, JR.,

aided and abetted by others and by each other, did willfully cause bodily injury to K.G. by assaulting K.G., including by whipping him, because of K.G.’s actual and perceived race and color, namely that he was black, which offense included kidnapping.

In violation of Title 18, United States Code, Sections 249(a)(1) and 2.

COUNT THREE

On or about March 8, 2012, in the Corpus Christi Division of the Southern District of Texas, and within the jurisdiction of the Court, the defendants,

JIMMY GARZA, JR.
and RAMIRO SERRATA, JR.,

aided and abetted by others and by each other, did willfully cause bodily injury to K.G. by assaulting K.G., including by sodomizing K.G. with multiple objects, because of K.G.'s actual and perceived sexual orientation, namely that he is gay, which offense included aggravated sexual assault and kidnapping; and that in connection with the offense, the Defendants used weapons that traveled in interstate commerce, Defendants interfered with commercial and other economic activity in which the victim was engaged at the time of the conduct, and which offense otherwise affected interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 249(a)(2) and 2.

COUNT FOUR

On or about March 8, 2012, in the Corpus Christi Division of the Southern District of Texas, and within the jurisdiction of the Court, the defendants,

JIMMY GARZA, JR.
and RAMIRO SERRATA, JR.,

aided and abetted by others and by each other, knowingly used, carried, and brandished a firearm during and in relation to a crime of violence, that is, hate crimes as described in Count Two and Count Three of this Indictment, and conspiracy to commit hate crimes as described in Count One of this Indictment, and who knowingly possessed a firearm in furtherance of these crimes.

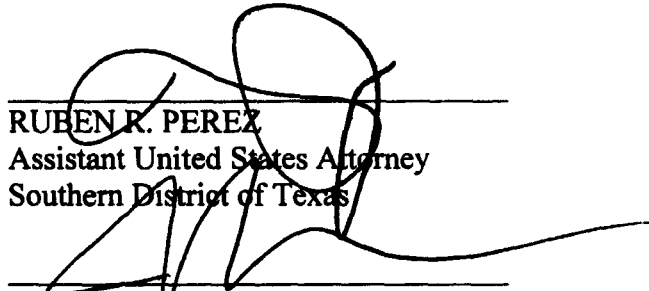
In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

A TRUE BILL:
ORIGINAL SIGNATURE ON FILE
FOREPERSON OF THE GRAND JURY

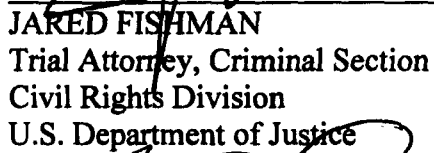
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Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice

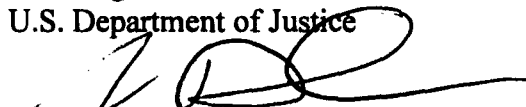
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